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8 Attorneys for Defendants,
9 COUNTY OF CONTRA COSTA,
10 CONTRA COSTA COUNTY IN-HOME SUPPORT
11 SERVICES PUBLIC AUTHORITY
12 (incorrectly sued herein as IHSS PUBLIC AUTHORITY),
13 and JOHN COTTRELL

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 GLORIA DELLAFOSSE,

Case NO. C 07 3948

17 Plaintiff,

DECLARATION OF JOHN COTTRELL IN
SUPPORT OF MOTION TO DISMISS OR IN
THE ALTERNATIVE MOTION FOR MORE
DEFINITE STATEMENT

18 vs.

19 COUNTY OF CONTRA COSTA, IHSS PUBLIC
20 AUTHORITY, JOHN COTTRELL,
21 EXECUTIVE DIRECTOR, DOES 1 to 100,

Date: March 21, 2008

Time: 9:00 a.m.

Courtroom: 7, 19th Floor

22 Defendants.

Judge: The Hon. Maxine M. Chesney

23 I, JOHN COTTRELL, declare and state as follows:

24 1. I am the Acting Director of the Contra Costa County In-Home Support Services Public
25 Authority (hereinafter "the Public Authority") and I am a named defendant in this action.

26 2. I have direct and personal knowledge of the matters set forth herein and, if called and
27 sworn as a witness, I would and could competently testify to the same.

28 3. I was employed as the Executive Director of the Public Authority at all times relevant to
Plaintiff's Complaint in this action.

4. Plaintiff, Gloria Dellafosse, was employed by the Public Authority from approximately

1 November, 2002 until April 10, 2006.

2 5. The Public Authority was established as an independent authority pursuant to Division 55
3 of the Contra Costa County Ordinance Code in compliance with California Welfare and Institutions
4 Code section 12300, *et seq.* to provide for the delivery of in-home support services. A true and correct
5 copy of Ordinance No. 98-14, passed on March 18, 1998 is attached hereto as Exhibit 1.

6 6. Pursuant to California Welfare and Institutions Code section 12301.6, employees of the
7 Public Authority shall not be considered employees of the county for any purpose. A true and correct
8 copy of California Welfare and Institutions Code section 12301.6 is attached hereto as Exhibit 2.

9 7. The Public Authority employed less than 15 employees for each working day in 20 or
10 more calendar weeks in each calendar year from 1999 up to and including April 10, 2006.

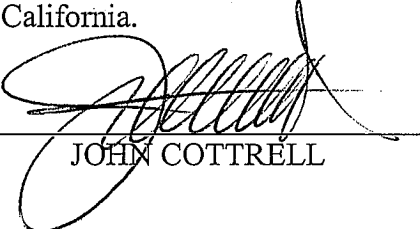
11 8. The Public Authority received copies of Plaintiff's charges of discrimination filed with
12 the U.S. Equal Employment Opportunity Commission (hereinafter "EEOC") and the California
13 Department of Fair Employment and Housing (hereinafter "DFEH"). True and correct copies of
14 Plaintiff's DFEH Complaints of Discrimination received by the Public Authority dated August 5, 2005
15 and June 2, 2006 are attached hereto as Exhibit 3.

16 9. The Public Authority also received copies of Plaintiff's right to sue notices from the
17 EEOC and the DFEH. True and correct copies of "Notice of Case Closure" documents from the DFEH
18 dated May 12, 2006 and June 9, 2006 which contain right to sue notices are attached hereto as Exhibit 4.
19 True and correct copies of "Dismissal and Notice of Rights" documents received by the Public Authority
20 from the EEOC dated June 13, 2006 and April 24, 2007 that contain right to sue notices are attached
21 hereto as Exhibit 5.

22 10. To my knowledge, Ms. Dellafosse never filed a government code tort claim with the
23 Public Authority.

24 I declare under the penalty of perjury under the laws of the United States of America that the
25 foregoing is true and correct.

26 Executed this 14th day of February, 2008 at Martinez, California.

27
28 
JOHN COTTRELL